

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
THE IT GROUP, INC., et al.,	:	Case No. 02-10118 (MFW)
	:	Jointly Administered
Debtors.	:	
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IT LITIGATION TRUST,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1268-KAJ
	:	
DANIEL A. D'ANIELLO, et al.,	:	
	:	
Defendants.	:	

**ORDER**

At Wilmington this **15<sup>th</sup>** day of **December, 2005**.

A telephonic conference was held in the above captioned matter and related matters *Thomas L. Payne, et al. v. Anthony J. DeLuca, et al.*, U. S. District Court, West District of Pennsylvania, C.A. No. 02-1927; *Howard G. Clair, et al. v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, C.A. No. 0288; *Staro Asset Management, LLC v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, C.A. No. 02-0886; *Highland Capital Mgmt, L.P., et al. v. TC Group, et al.*, Delaware Superior Ct. No. 04C-06-068-RRC; *Highland Capital Mgmt., L.P., et al. v. Ernst & Young, et al.*, Dis. Ct. Tx, C. A. No. 03-04530; and *Federal Insurance Co. v. D'Aniello*, U.S. District Court, Western District of PA, C. A. No.

05-0305 with counsel on behalf of the parties in attendance. The purpose of the teleconference was to determine the interest in mediating some or all of these matters, particularly since the defendants are the same in each case. As a result of discussions with counsel and due to the procedural status of the various cases, involving pending motions to dismiss, it was clear that scheduling mediation in some or all of the matters is presently premature.

As a result of the discussions with counsel during the telephonic conference,

IT IS ORDERED that:

1. A telephonic conference is scheduled for **Wednesday, February 1, 2006 at 5:00 p.m. EST. Counsel for plaintiff in the IT Litigation Trust matter shall initiate this teleconference.** The purpose of the teleconference is to update the Magistrate Judge regarding the status of the various matters and how that affects a global mediation. Counsel for plaintiffs in the related cases and counsel for defendants shall advise plaintiff's counsel in the IT Litigation Trust matter no later than **Friday, January 27, 2006**, who on behalf of their respective clients, will be participating in the December 14, 2005 teleconference. Plaintiff's counsel in the IT Litigation Trust matter shall fax or email the Magistrate Judge a list of the participants prior to the scheduled teleconference.

2. Since the related cases involve matters in other jurisdictions, Richard Wayne, Esquire shall provide a copy of this Order to counsel in the related cases.

3. No communication with the Magistrate Judge shall be efiled in this court or any court. Communication shall be by telephone, email or fax. Any

communication sent by fax need not be followed by an original.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE